

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
MOBEX NETWORK SERVICES, LLC	)	
	)	
Applications to Renew Licenses for Automated	)	File Nos. 0001370847, 0001370848,
Maritime Telecommunications System (AMTS)	)	0001370850, 0001768691
Stations in Various Locations in the United States	)	
	)	
Application to Assign AMTS Licenses	)	File No. 0002197542
	)	
Applications to Modify Licenses for AMTS	)	File Nos. 0001438800, 0001439011
Stations in Chicago, Illinois, and Rockfish and	)	
Hillsborough, North Carolina	)	
	)	
Applications to Renew AMTS License Call Signs	)	File Nos. 0002363519, 0002363520,
WHV733, WHV740, and WHV843	)	0002363521

**MEMORANDUM OPINION AND ORDER**

**Adopted: March 11, 2010**

**Released: March 16, 2010**

By the Commission:

**I. INTRODUCTION**

1. This item largely affirms the grant of the above-captioned applications to renew, assign, or modify certain Automated Maritime Telecommunications System (AMTS) licenses, but concludes that the authorization for one of the stations terminated due to permanent discontinuance of operation. In this *Memorandum Opinion and Order*, we address an application for review filed by Warren C. Havens (Havens), AMTS Consortium LLC (ACL), Intelligent Transportation & Monitoring Wireless LLC (ITL), Skybridge Spectrum Foundation (Skybridge), and Telesaurus-VPC LLC (TVL),<sup>1</sup> and a petition for reconsideration filed by Telesaurus Holdings GB LLC (THL),<sup>2</sup> both regarding the above-captioned

<sup>1</sup> Application for Review (filed Feb. 22, 2007) (Great Lakes AFR). Maritime Communications/Land Mobile, LLC (MC/LM) filed an opposition, Opposition to Application for Review (filed Mar. 13, 2007), and a motion to permit late filing of the opposition, Motion to Accept Untimely Filing (filed Apr. 6, 2007). MC/LM states that it filed the opposition late because it miscalculated the due date. *See id.* at 1. Miscalculation of a due date generally does not constitute good cause for late filing. *See, e.g., Meredith/New Heritage Strategic Partners, L.P., Memorandum Opinion and Consolidated Order*, 9 FCC Rcd 6841, 6842 ¶ 7 (1994); Albany County School District 1, *Order*, 17 FCC Rcd 9465, 9467 ¶ 4 (WCB TAPD 2002) (citing Ballard Community School District, *Order*, 16 FCC Rcd 15891 (CSB APD 2001)). Consequently, we deny the motion and dismiss the opposition. Because we are dismissing the opposition, we also dismiss the reply, Reply to Opposition to Application for Review (filed Mar. 22, 2004). *See, e.g., Jen-Shenn Song, Order*, 17 FCC Rcd 3503, 3505 ¶ 5 (WTB CWD PRB 2002).

<sup>2</sup> Petition for Reconsideration of Order on Reconsideration Based Upon New Facts And In the Alternative Section 1.41 Request to Consider New Facts (filed Feb. 22, 2007) (Great Lakes PFR). MC/LM filed an opposition, Opposition to Petition for Reconsideration (filed Mar. 7, 2007). THL filed a reply, Reply to Opposition to Petition for Reconsideration (filed Mar. 19, 2007).

applications to renew and assign the licenses for AMTS stations along the Great Lakes and Pacific Coast.<sup>3</sup> We also address an application for review filed by Havens and THL,<sup>4</sup> and a petition for reconsideration filed by ACL, ITL, and TVL,<sup>5</sup> both regarding the above-captioned applications to renew and modify the licenses for AMTS stations in the Carolinas and Chicago.<sup>6</sup> For the reasons discussed below, the petition for reconsideration of the *Great Lakes Order on Reconsideration* is denied, the application for review of the *Great Lakes Order on Reconsideration* is granted in part and denied in part, and the petition for reconsideration and application for review of the *Carolina Order on Reconsideration* are both denied in part and dismissed in part.<sup>7</sup>

## II. BACKGROUND

2. *Great Lakes.* In 2003 and 2004, respectively, Mobex Network Services, LLC (Mobex) filed applications to renew the licenses for its Great Lakes<sup>8</sup> and Pacific Coast<sup>9</sup> AMTS stations. Havens petitioned to deny Mobex's renewal applications, on the grounds that the authorizations should be deemed to have canceled automatically because the station activation notifications were defective.<sup>10</sup> In 2004, the former Public Safety and Critical Infrastructure Division (PSCID) of the Wireless Telecommunications Bureau (Bureau) denied the petitions and granted the applications.<sup>11</sup> Havens, ACL,

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<sup>3</sup> File Nos. 0001370847, 0001370848, 0001370850, 0001768691, 0002197542. The Great Lakes AFR and Great Lakes PFR seek review and reconsideration of Mobex Network Services, LLC, *Order on Reconsideration*, 22 FCC Rcd 665 (WTB MD 2007) (*Great Lakes Order on Reconsideration*), which denied reconsideration of both an *Order* denying petitions to deny applications filed by Mobex Network Services, LLC (Mobex) to renew licenses for AMTS stations along the Great Lakes and other areas, Mobex Network Services, LLC, *Order*, 19 FCC Rcd 24939 (WTB PSCID 2004) (*Renewal Order*), and an *Order* denying a petition to deny Mobex's application to assign its AMTS licenses to MC/LM, Mobex Network Services, LLC, *Order*, 20 FCC Rcd 17957 (WTB PSCID 2005) (*Assignment Order*).

<sup>4</sup> Application for Review (filed Feb. 28, 2007) (Carolina AFR). Mobex filed an opposition, Opposition to Application for Review (filed Mar. 19, 2007), and a motion to permit late filing of the opposition, Motion to Accept Untimely Filing (filed Apr. 6, 2007). Mobex states that it filed the opposition late because it miscalculated the due date. *See id.* at 1. For the reasons stated in note 1, *supra*, we deny the motion and dismiss the opposition and the reply, Reply to Opposition to Application for Review (filed Mar. 28, 2004).

<sup>5</sup> Petition for Reconsideration (filed Feb. 28, 2007) (Carolina PFR). Mobex filed an opposition. Opposition to Petition for Reconsideration (filed Mar. 13, 2007). ACL, ITL, and TVL filed a reply. Reply to Opposition to Petition for Reconsideration (filed Mar. 26, 2004).

<sup>6</sup> File Nos. 0001438800, 0001439011, 0002363519, 0002363520, 0002363521. The Carolina AFR and Carolina PFR seek review and reconsideration of Mobex Network Services, LLC, *Order*, 22 FCC Rcd 1311 (WTB MD 2007) (*Carolina Order on Reconsideration*), which denied a petition to deny Mobex's applications to renew licenses for AMTS stations in the Carolinas, and denied reconsideration of an *Order* denying petitions to deny Mobex's applications to modify licenses for AMTS stations in North Carolina and Chicago, Mobex Network Services, LLC, *Order*, 20 FCC Rcd 17959 (WTB PSCID 2005) (*Modification Order*).

<sup>7</sup> Because the pleadings raise overlapping issues, we address them together for administrative convenience. *See* Amendment of Section 73.606(b), Table of Allotments Television Broadcast Stations (Clermont and Cocoa, Florida), *Memorandum Opinion And Order*, MM Docket No. 89-68, 5 FCC Rcd 6566, 6567 n.3 (1990).

<sup>8</sup> Call Signs KCE278, KPB531, and KUF732. *See* File Nos. 0001370847, 0001370848, 0001370850 (filed July 2, 2003).

<sup>9</sup> Call Sign KAE889. *See* File No. 0001768691 (filed June 10, 2004).

<sup>10</sup> *See* Petition to Deny [File Nos. 0001370847, 0001370848, 0001370850] (filed Aug. 7, 2003); Petition to Deny [File No. 0001768691] (filed July 16, 2004).

<sup>11</sup> *See Renewal Order*, 19 FCC Rcd at 24945 ¶ 11. PSCID concluded that it would not further the public interest to deny renewal applications based on defects in the activation notices for facilities that were in fact timely

(continued....)

THL, and TVL petitioned for reconsideration.<sup>12</sup>

3. In 2005, Mobex filed an application to assign its AMTS licenses to Maritime Communications/Land Mobile, LLC (MC/LM).<sup>13</sup> Havens petitioned to deny the assignment application, raising a number of the same issues. In 2005, PSCID denied the petition and consented to the application.<sup>14</sup> Havens, ACL, ITL, THL, and TVL petitioned for reconsideration.

4. Also in 2005, the Commission conducted an auction (Auction No. 61) of AMTS geographic licenses.<sup>15</sup> Entities controlled by Havens were the high bidders for five licenses, and MC/LM was the high bidder for four licenses.<sup>16</sup>

5. While the two petitions for reconsideration were pending, Mobex requested that Havens, ACL, ITL, THL, and TVL be required to obtain leave of the Commission before being permitted to file pleadings relating to AMTS or Mobex, on the grounds that they had filed frivolous and abusive pleadings.<sup>17</sup> In 2007, the Bureau's Mobility Division (Division) denied the petitions for reconsideration.<sup>18</sup> It found that the petitions largely reiterated arguments that had been fully considered, and declined to address them again.<sup>19</sup> The Division found that there were no new facts or evidence demonstrating that the licenses for the Pacific Coast and Chicago stations automatically terminated for permanent discontinuance of operation, concluding that the proffered evidence should not be considered because it could have been presented earlier in the proceeding, rather than after an adverse decision.<sup>20</sup> It also rejected the argument that the licenses failed to meet the coverage requirement in former Section 80.475(a) of the Commission's

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constructed. Moreover, PSCID concluded that the alleged defects would not constitute sufficient reason for denying the renewal applications. *See id.* at 24942 ¶ 6.

Havens also petitioned to deny Mobex's application to renew its license for its Erie Canal AMTS stations, Call Sign KCE240, *see* File No. 0001600664 (filed Jan. 30, 2004). The *Renewal Order* granted that petition. *See Renewal Order*, 19 FCC Rcd at 24942-43 ¶ 7. Havens also petitioned to deny Mobex's application to transfer control of its AMTS stations to Clarity GenPar, LLC, *see* File No. 0001885281 (filed Oct. 1, 2004), but Mobex subsequently informed PSCID that the transfer would not be consummated, so the application was dismissed, *see Great Lakes Order on Reconsideration*, 22 FCC Rcd at 668 ¶ 7. Those applications are not at issue herein.

<sup>12</sup> *See* Petition for Reconsideration (filed Jan. 27, 2005).

<sup>13</sup> *See* File No. 0002197542 (filed June 13, 2005).

<sup>14</sup> *See Assignment Order*, 20 FCC Rcd at 17957-58 ¶ 2. The petition was denied because it presented no new information.

<sup>15</sup> *See* Auction of Automated Maritime Communications System Licenses Closes: Winning Bidders Announced for Auction No. 61, *Public Notice*, 20 FCC Rcd 13747, 13747 (WTB 2005) (*Auction No. 61 Closing PN*). This was the second AMTS auction. The first AMTS auction (Auction No. 57) was completed in 2004. *See* Automated Maritime Telecommunications System Spectrum Auction Closes: Winning Bidders Announced, *Public Notice*, 19 FCC Rcd 18252, 18252 (WTB 2004). Ten of the twenty licenses available in Auction No. 57 received high bids, including eight for which the high bidders were entities controlled by Havens. *See id.* at 18528.

<sup>16</sup> *See Auction No. 61 Closing PN*, 20 FCC Rcd at 13755.

<sup>17</sup> *See* Request for Relief from Frivolous Pleadings (filed Nov. 7, 2005).

<sup>18</sup> Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. *See* Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

<sup>19</sup> *See Great Lakes Order on Reconsideration*, 22 FCC Rcd at 669 ¶ 9, 670 ¶ 13.

<sup>20</sup> *Id.* at 668 n.29, 670-71 ¶ 13.

Rules,<sup>21</sup> and therefore should be deemed not to have been constructed as required.<sup>22</sup> The Division declined to address MC/LM's character qualifications to be a Commission licensee, noting that PSCID had rejected those arguments when it denied a petition to deny MC/LM's Auction No. 61 application.<sup>23</sup> The Division also rejected the argument that PSCID staff was biased, concluding that the parties had presented no evidence to support that allegation.<sup>24</sup> With respect to Mobex's request for relief, the Division noted that the parties had on occasion raised valid objections to Mobex applications, but warned them that abusive or harassing pleadings could result in summary dismissal or prior screening of their pleadings, or other sanctions.<sup>25</sup> Havens, ACL, ITL, Skybridge, and TVL jointly filed an application for review, and THL filed a petition for reconsideration.

6. *Carolina.* In 2003, Mobex filed applications to relocate certain AMTS transmitters in Chicago<sup>26</sup> and North Carolina.<sup>27</sup> Havens petitioned to deny the modification applications, on the grounds that the underlying licenses should be canceled for failure to meet the construction requirements.<sup>28</sup> In 2005, PSCID denied the petition and granted the applications.<sup>29</sup> Havens, ACL, ITL, THL, and TVL petitioned for reconsideration,<sup>30</sup> and petitioned to deny Mobex's subsequent applications to renew its licenses for stations in the Carolinas.<sup>31</sup>

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<sup>21</sup> See 47 C.F.R. § 80.475(a) (2001) (requiring that AMTS stations provide "continuity of service" to a substantial navigational area). This requirement was removed when the Commission adopted geographic licensing for AMTS stations. See Amendment of the Commission's Rules Concerning Maritime Communications, *Second Memorandum Opinion and Order and Fifth Report and Order*, PR Docket No. 92-257, 17 FCC Rcd 6685, 6737 (2002); see also Amendment of the Commission's Rules Concerning Maritime Communications, *Third Memorandum Opinion and Order*, PR Docket No. 92-257, 18 FCC Rcd 24391, 24400-01 n.84 (2003).

<sup>22</sup> This argument was based on the non-overlap of service contours defined by the standard that the Commission adopted for defining the co-channel interference protection that AMTS geographic licensees must afford incumbent site-based licensees. The Division concluded that site-based licenses that were granted on the basis of predicted service contours demonstrating adequate coverage should not retroactively be deemed to have terminated based on the Commission's subsequent adoption (for a different purpose) of a smaller service contour. See *Great Lakes Order on Reconsideration*, 22 FCC Rcd at 670 ¶ 11.

<sup>23</sup> *Id.* at 670 ¶ 10, 672 ¶ 14 (citing Maritime Communications/Land Mobile, LLC, *Order*, 21 FCC Rcd 8794, 8796-99 ¶¶ 5-8 (WTB PSCID 2006), *aff'd*, 22 FCC Rcd 4780 (WTB MD 2007), *recon. and review pending*). THL filed a petition for reconsideration, and Havens, ACL, ITL, Skybridge, and TVL filed an application for review, of the Division's subsequent denial of reconsideration of the denial of their challenges to MC/LM's Auction No. 61 application. Those matters remain pending.

<sup>24</sup> *Id.* at 671-72 ¶ 15.

<sup>25</sup> *Id.* at 672 ¶ 16. The *Great Lakes Order on Reconsideration* also addressed other issues not presented in the Great Lakes PFR or Great Lakes AFR.

<sup>26</sup> Call Sign KPB531. See File No. 0001438800 (filed Sept. 3, 2003).

<sup>27</sup> Call Sign WHV733. See File No. 0001439011 (filed Sept. 3, 2003).

<sup>28</sup> See Petition to Deny (filed Oct. 9, 2003).

<sup>29</sup> See *Modification Order*, 20 FCC Rcd at 17960 ¶ 3. PSCID noted that the *Renewal Order* had rejected the argument that the underlying licenses canceled for failure to meet construction requirements, and that Havens had raised no new facts or circumstances warranting a reversal. PSCID did, however, grant the petition of KM LPTV of Chicago-13, LLC, to deny the Mobex Chicago application, on the grounds that Mobex had not adequately demonstrated that the proposed modification would not result in interference to television reception. See *id.* at 17962 ¶ 6.

<sup>30</sup> See Petition for Reconsideration (filed Dec. 9, 2005).

<sup>31</sup> Call Sign WHV733, WHV740, and WHV843. See File No. 0002363519, 0002363520, and 0002363521 (filed Oct. 31, 2005); Petition to Deny (filed Dec. 9, 2005).

7. In 2007, the Division denied the petition for reconsideration and the petition to deny. The Division found that the petitions largely reiterated arguments that had been fully considered, and declined to address them again.<sup>32</sup> The Division also declined to address challenges to the initial Carolina license grants in the context of renewal and modification applications.<sup>33</sup> Havens and THL jointly filed an application for review, and ACL, ITL, and TVL jointly filed a petition for reconsideration.

### III. DISCUSSION

8. *Great Lakes. Petition for reconsideration.*<sup>34</sup> We deny the petition for reconsideration, insofar as THL states that it “is based upon new facts that were previously unavailable to THL at the time of the filing deadlines for the two petitions for reconsideration that were dismissed [sic].”<sup>35</sup> Specifically, THL presents additional information to support the allegation that MC/LM failed to disclose the real party in interest in its Auction No. 61 application.<sup>36</sup> We agree with the Division and the Bureau’s Broadband Division that allegations raised by Havens, ACL, ITL, Skybridge, THL, and TVL regarding a licensee’s character qualifications arising from particular applications or call signs should be adjudicated in the first instance in the proceeding relating to those applications or call signs, rather than in an ancillary matter involving the same licensee.<sup>37</sup> Because this information is more suitable for the pending proceeding regarding MC/LM’s Auction No. 61 application, we decline to consider it in this proceeding.<sup>38</sup> The Commission retains authority to take appropriate remedial action in the event that MC/LM is disqualified as a licensee.

9. *Application for review.* Havens, ACL, ITL, Skybridge, and TVL contend that the Division erred by failing to address all of their arguments regarding activation notices and character qualifications.<sup>39</sup> The Division did not discuss the first issue at length because it was fully addressed by PSCID, and the petitions did not raise any new facts or circumstances warranting reconsideration;<sup>40</sup> and

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<sup>32</sup> See *Carolina Order on Reconsideration*, 22 FCC Rcd at 1311-12 ¶¶ 2-4.

<sup>33</sup> *Id.* at 1312 ¶ 5.

<sup>34</sup> We address THL’s petition for reconsideration of the *Great Lakes Order on Reconsideration* before addressing the other parties’ application for review. See 47 C.F.R. § 1.104(c) (“If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.”).

<sup>35</sup> Great Lakes PFR at 1.

<sup>36</sup> See *id.* at 2-5.

<sup>37</sup> See *Paging Systems, Inc., Memorandum Opinion and Order*, 25 FCC Rcd 450, 453-54 ¶ 8 (2010), *aff’g Order on Reconsideration*, 22 FCC Rcd 4602, 4607 ¶ 11 (WTB MD 2008); *Paging Systems, Inc., Order on Reconsideration*, 23 FCC Rcd 7458, 7464 ¶ 10 (WTB BD 2008), *review dismissed*; Warren C. Havens, *Letter*, DA 09-2423 (WTB BD rel. Nov. 16, 2009), *recon. pending*; *Wireless Properties of Virginia, Inc., Order on Reconsideration*, 23 FCC Rcd 7466, 7472 ¶ 11 (WTB BD 2008), *review pending*; *Wireless Properties of Virginia, Inc., Order on Reconsideration*, 23 FCC Rcd 7474, 7480 ¶ 11 (WTB BD 2008), *recon. pending*. THL appears to suggest that the failure to disclose is relevant to this proceeding because MC/LM should have disclosed its affiliates in the assignment application pursuant to Section 1.2112 of the Commission’s Rules, 47 C.F.R. § 1.2112. See Great Lakes PFR at 3. We disagree, for Section 1.2112 applies only to applications to assign licenses acquired pursuant to competitive bidding, and the AMTS licenses that Mobex assigned to MC/LM were pre-auction site-based licenses.

<sup>38</sup> THL also presents evidence regarding whether the license for Mobex’s Chicago station automatically terminated for permanent discontinuance of operation, which the Division previously declined to consider, see *Great Lakes Order on Reconsideration*, 22 FCC Rcd at 668 n.29. See Great Lakes PFR at 5-6. We will address that evidence with respect to the Great Lakes AFR.

<sup>39</sup> See Great Lakes AFR at 4-6.

<sup>40</sup> See *Great Lakes Order on Reconsideration*, 22 FCC Rcd at 669 ¶ 9, 670 ¶ 13.



did not discuss the second issue at length because it had been addressed in other proceedings, which have not terminated.<sup>41</sup> We conclude that the Division acted properly. With respect to the first issue, neither the petitions for reconsideration nor the instant application for review demonstrate that the various defects and variations constitute sufficient reason for denying the applications. As discussed above, the second issue is more appropriately addressed in the pending proceedings regarding those specific applications and call signs. Havens, ACL, ITL, Skybridge, and TVL also contend that the Division failed to address Mobex's alleged failure to meet the coverage requirement in former Section 80.475(a).<sup>42</sup> We find that the Division addressed this argument fully;<sup>43</sup> the parties simply disagree with its conclusion.

10. As noted earlier, the Division declined to consider additional information submitted to demonstrate that the license for Mobex's (later MC/LM's) Pacific Coast and Chicago stations automatically terminated due to permanent discontinuance of operation. Specifically, the Division denied a request for leave to file a supplement to one of the petitions for reconsideration, stating, "The material in the supplement, consisting largely of pleadings from litigation involving Mobex, could have been presented earlier in this proceeding, and is of limited probative value."<sup>44</sup> We agree with the Division that most of this material was neither timely nor probative.<sup>45</sup> With respect to the affidavit from the manager of the licensed site of the Chicago station stating that Mobex had not had equipment at that location for years,<sup>46</sup> however, we agree with Havens, ACL, ITL, Skybridge, and TVL<sup>47</sup> that this evidence is sufficient to demonstrate permanent discontinuance of operation,<sup>48</sup> and should be considered.<sup>49</sup> Consequently, we reverse the Division's decision with respect to MC/LM's Chicago station, and will modify our licensing database to reflect cancellation of that authorization.

11. Next, Havens, ACL, ITL, Skybridge, and TVL continue to assert that Bureau staff is biased against them.<sup>50</sup> They point to various alleged errors in prior decisions, which they ascribe to staff prejudice.<sup>51</sup> We conclude, as did the Division, that the record does not demonstrate prejudicial treatment,

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<sup>41</sup> See *id.* at 671 ¶ 14.

<sup>42</sup> See Great Lakes AFR at 5.

<sup>43</sup> See note 22, *supra*.

<sup>44</sup> See *Great Lakes Order on Reconsideration*, 22 FCC Rcd at 668 n.29.

<sup>45</sup> The evidence submitted with the 2006 supplement consisted mostly of pleadings filed by other parties in federal and state courts in 2003 and 2004 regarding financial disputes with Mobex. See Supplement to Petition for Reconsideration at 9-43 (filed Feb. 3, 2006).

<sup>46</sup> See *id.* at 45.

<sup>47</sup> See Great Lakes AFR at 6-7.

<sup>48</sup> See, e.g., National Ready Mixed Concrete Co., *Memorandum Opinion and Order*, 23 FCC Rcd 5250, 5253-54 ¶ 11 (2008). That Mobex operated a fill-in site at another location in Chicago, see *Modification Order*, 20 FCC Rcd at 17961 ¶ 5, does not satisfy the requirement that the licensed site remain in operation. Whether a facility is in operation is determined with respect to the licensed site; operation of fill-in sites does not render operative an inactive licensed transmitter. See Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, *Memorandum Opinion and Order on Reconsideration and Third Report and Order*, WT Docket No. 96-18, 14 FCC Rcd 10030, 10055 ¶ 35 (1999).

<sup>49</sup> See 47 C.F.R. § 1.106(b)(2)(ii); see, e.g., Tonkin Plumbing, *Order*, 14 FCC Rcd 17641, 17643 ¶ 5 (WTB PSPWD 1999) (citing, e.g., Billy J. Rutledge, *Memorandum Opinion and Order*, 14 FCC Rcd 6565, 6568-69 ¶ 7 (1999)).

<sup>50</sup> See Great Lakes AFR at 8-11.

<sup>51</sup> See *id.* at 9-10. In addition, they maintain that they are victims of "political and cultural discrimination." See *id.* at 19. Specifically, they suggest that they are disfavored because they are perceived to be aligned with the Democratic Party and similar interests, while the principals of Mobex and MC/LM support the Republican Party.

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and we reject these unsupported allegations.<sup>52</sup> They also argue that the Division's warning that it could impose sanctions if they file abusive or harassing pleadings was inappropriate because their prior pleadings were meritorious, and violates their constitutional rights.<sup>53</sup> We conclude that this issue is not ripe for review. An application for review may be filed only by a person "aggrieved by any action taken pursuant to delegated authority."<sup>54</sup> We do not believe that Havens, ACL, ITL, Skybridge, and TVL are "aggrieved," because the Division did not take any adverse action against them in this regard.<sup>55</sup>

12. *Carolina*. ACL, ITL, and TVL continue to assert that the Carolina licenses should not have been granted in the first place.<sup>56</sup> We agree with the Division, however, that an initial grant cannot be challenged in the context of an application to modify or renew a license.<sup>57</sup> In other respects, the petition for reconsideration and application for review of the *Carolina Order on Reconsideration* raise the same issues as the petition for reconsideration and application for review of the *Great Lakes Order on Reconsideration*. Consequently, for the reasons stated above, we deny the petition for reconsideration and application for review of the *Carolina Order on Reconsideration*, except that we dismiss them as moot with respect to MC/LM's Chicago station.

#### IV. CONCLUSION AND ORDERING CLAUSES

13. In view of the foregoing, we deny the petition for reconsideration of the *Great Lakes Order on Reconsideration*, and grant in part and deny in part the application for review of the *Great Lakes Order on Reconsideration*. We grant the application for review only with respect to MC/LM's Chicago station, the authorization for which we conclude canceled automatically for permanent discontinuance of operation. Also, we deny in part and dismiss as moot in part the petition for reconsideration and the application for review of the *Carolina Order on Reconsideration*.

14. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petition for reconsideration filed by Telesaurus Holdings GB LLC, on February 22, 2007 IS GRANTED IN PART and DENIED IN PART to the extent indicated herein.

15. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.115 of the Commission's Rules, 47 C.F.R. § 1.115, that the application for review filed by Warren C. Havens,

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They state that they intend to seek monetary and injunctive relief against Bureau staff for violating their constitutional rights. *See id.* at 11.

<sup>52</sup> *See, e.g.,* A-O Broadcasting Corporation, *Memorandum Opinion and Order*, 23 FCC Rcd 603, 607 n.25 (2008); Beehive Telephone, Inc., *Memorandum Opinion and Order*, 12 FCC Rcd 17930, 17939 ¶ 18 (1997); *see also* Michael D. Bramble, *Memorandum Opinion and Order*, 58 F.C.C. 2d 565, 578 n.30 (1976) ("Absent *specific* factual allegations of improper actions or motivations on the part of members of the Commission's staff, Petitioner's bald assertion of possible bias is totally inappropriate.").

<sup>53</sup> *See* Great Lakes AFR at 10-11.

<sup>54</sup> 47 C.F.R. § 1.115(a).

<sup>55</sup> *Cf.* Communique Telecommunications, Inc. d/b/a Logically, *Memorandum Opinion and Order*, 14 FCC Rcd 13635, 13658 ¶ 40 (1999). In the event that sanctions are imposed upon them for failing to abide by the warning, they can then seek review.

<sup>56</sup> *See* Carolina PFR at 17.

<sup>57</sup> *See* Mobex Network Services, LLC, *Memorandum Opinion and Order*, 25 FCC Rcd 554, 557-58 ¶ 8 (2010), *aff'g* *Order on Reconsideration*, 20 FCC Rcd 14813, 14815-16 ¶¶ 6-7 (WTB PSCID 2005).

AMTS Consortium LLC, Intelligent Transportation & Monitoring Wireless LLC, Skybridge Spectrum Foundation, and Telesaurus-VPC LLC on February 22, 2007, IS GRANTED IN PART and DENIED IN PART to the extent indicated herein, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the authorization for Call Sign KPB531 location 6.

16. IT IS FURTHER ORDERED that the Motion to Accept Untimely Filing filed by Maritime Communications/Land Mobile, LLC, on April 6, 2007 IS DENIED; and the Opposition to Application for Review filed by Maritime Communications/Land Mobile, LLC, on March 13, 2007, and the Reply to Opposition to Application for Review filed by Warren C. Havens, AMTS Consortium LLC, Intelligent Transportation & Monitoring Wireless LLC, Skybridge Spectrum Foundation, and Telesaurus-VPC LLC on March 22, 2007 ARE DISMISSED.

17. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petition for reconsideration filed by AMTS Consortium LLC, Intelligent Transportation & Monitoring Wireless LLC, and Telesaurus-VPC LLC on February 28, 2007 IS DENIED IN PART and DISMISSED AS MOOT IN PART to the extent indicated herein.

18. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.115 of the Commission's Rules, 47 C.F.R. § 1.115, that the application for review filed by Warren C. Havens and Telesaurus Holding GB LLC, on February 28, 2007, IS DENIED IN PART and DISMISSED AS MOOT IN PART to the extent indicated herein.

19. IT IS FURTHER ORDERED that the Motion to Accept Untimely Filing filed by Mobex Network Services, LLC, on April 6, 2007 IS DENIED; and the Opposition to Application for Review filed by Mobex Network Services, LLC, on March 19, 2007, and the Reply to Opposition to Application for Review filed by Warren C. Havens and Telesaurus Holding GB LLC, on March 28, 2007 ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary